



THE CITY OF BERKELEY SEEKS AN ASTUTE, COLLABORATIVE AND EXPERIENCED CITY ATTORNEY

UNIQUE OPPORTUNITY

The richly complex City of Berkeley (pop. 107,000) is seeking a politically astute attorney with a broad knowledge of municipal law to provide legal guidance and direction for the elected officials and staff of this dynamic community.





THE CITY AND GOVERNMENT STRUCTURE

Bordered by San Francisco Bay to the west and rolling hills to the east, Berkeley is renowned for its green space, mild weather, and world-class cultural life. International shopping districts, outstanding restaurants, cutting-edge environmental organizations, art galleries, theaters, museums, Berkeley City College and the University of California at Berkeley all add to the City's uniquely diverse and culturally rich atmosphere. Over 50 public parks, miles of bike lanes and walking trails, and a public marina offer exceptional opportunities for year-round outdoor recreation.

The City is governed by eight Councilmembers elected by district to four-year terms and a Mayor, elected at-large for a four-year term. The Mayor serves as Council President and votes as an individual ninth member. The City Council appoints the City Manager to oversee the administration of City operations. Under the provisions of the Berkeley Charter, the City Attorney is appointed by, and reports to, the City Manager.

OFFICE AND ROLE OF THE CITY ATTORNEY

The City Attorney is the chief legal advisor to the City Council and represents the Mayor and Council, City boards, commissions and City departments in matters of law pertaining to their official duties and responsibilities. The City Attorney's Office prepares legal opinions, ordinances, resolutions, contracts, and other documents requested by Council and City organizations, and implements the legal aspects of various policies and programs established by the City. The City Attorney's Office serves as counsel and represents and appears for the City and certain boards, commissions, and agencies of the City in civil and administrative proceedings. The City Attorney's Office monitors cases assigned to contract legal counsel and ensures timely reporting to the Council on these cases as well as those handled in-house.

The City Attorney's Office has an operating budget of \$3.5 million (including the public liability fund) and a current staff of 13, including the 8 attorneys.

CURRENT ISSUES AND PRIORITIES

In preparation for the recruitment of a new City Attorney, the City has identified the principal issues and priorities that will need to be addressed by the successful candidate:

Provide High Quality Legal Services to the City Council, Mayor, Boards and Commissions, and City Staff

Specific areas of emphasis include the open meetings and public records laws, election law, conflict of interest and legal advice on the entire range of city services, parliamentary procedure and Robert's Rules of Order. It is expected that the City Attorney's Office will take a team-oriented and creative approach to problem solving, advising the Council, Mayor, commissioners and staff, and aggressively implementing Council policy direction.

Handle Complex Legal Issues

The City Attorney's Office addresses a wide range of complex and sensitive legal issues that are inherent in urban cities. These functional areas include the relationship with the University of California; the environment; development; land use; affordable housing; municipal elections; Fair Political Practices Commission (FPPC) regulations; labor relations; public safety; transportation; human resources; procurement/contracting and other internal services.

IDEAL CANDIDATE

It is anticipated that the City Attorney will be a highly competent professional and strong generalist, with an in-depth understanding of issues confronting California



cities and an appreciation for the role differences between elected officers and appointed officials. Typical candidates include City Attorneys, Assistant City Attorneys, and other public and private attorneys who are well versed in municipal law and possess the necessary expertise and personal characteristics desired by the City Council. The successful candidate will provide leadership and guidance for a City Attorney's Office with a reputation for competence, responsiveness, and creative problem solving. The ability to work collaboratively across departments coupled with a strong resolve and a track record of integrity will be expected. Additional requirements are as follows:

Education and Experience

Candidates will be expected to have a Juris Doctorate degree from an accredited school of law. Important qualifications include extensive experience practicing law, including knowledge of local government law, and the ability to manage a complex law office. Active membership in the State Bar of California is required.

Leadership Style and Personal Characteristics

In addition to the above, the following attributes describe the ideal candidate for this position:

- Independent thinker with creative problem solving approach and an eye for detail.
- Highly skilled and poised communicator who is effective one-on-one or in public meetings that require clear, concise and objective responses to complex legal questions.
- Self-starter, positive, appropriately assertive and proactive.
- Strives to earn and maintain the Mayor and City Council's trust and respect, yet willing to raise difficult issues when necessary.
- Maintains very high ethical standards – a person of exceptional character who naturally earns the confidence and trust of others.
- Politically astute without being political. Has experience working with local elected officials and knows the difference between legal advice and policy making roles and does not duck difficult issues.
- Minimizes the City's exposure to liability while achieving the Council's policy direction. Willing to take prudent risks – has a track record as an attorney of helping clients reach their goals by developing legal, alternative approaches.
- Effectively manages a law office and delivers high-quality, timely service. Knows when and how to effectively select and manage outside counsel. Can effectively communicate to city leaders the possible impacts of certain decisions on staff and financial resources.



- Dedicated to public service; has an established network of reliable resources, is respected in the State's legal community and understands California's local government political/financial/legal landscape.
- Committed to saving taxpayer dollars by effectively and efficiently representing the City, its officials, its departments, boards and commissions, and its employees in civil litigation and transactions.
- Excellent communication skills and the ability to work effectively with a diverse population.
- Is a team player who works closely with the City Manager and department heads in examining potential legal impacts and developing alternatives to address a wide range of policy and operational issues.
- A "bridge builder" - brings a collaborative approach to the City Attorney's Office while seeking ways to effectively work with others to accomplish the goals of the City; values community partnerships.
- Can be relied upon to provide sound legal advice, even when it may not be the popular answer; not afraid to "push back" if need be.
- Must be flexible, candid and have a professional prominence that reflects the importance of the issues that are to be addressed.
- Sense of humor.

SALARY AND BENEFITS

The monthly salary range for the City Attorney is \$11,936 to \$16,095. Placement within the stated range will be based upon the selected candidate's experience and salary history. In addition to a competitive salary, the City offers a comprehensive executive benefits package including:

- **Retirement Plan – CalPERS 2.7% at 55** – In addition, the City pays the 8% employee's share to the California Public Employees' Retirement System (CalPERS) and \$2,170 to the City's Supplemental Retirement Income Plan (SRIP), an IRC 401(a) plan,

making the effective salary \$13,071 to \$17,563 monthly. The City is not a member of Social Security, therefore, only the Medicare portion is deducted.

- **Deferred Compensation** – Employees may contribute up to \$16,500 per year to the Deferred Compensation Plan.
- **Health and Dental** – The City provides full health and dental coverage for employees and eligible dependents, including domestic partners. The City does not participate in the CalPERS Medical Program (PEMHCA) but does offer its own Retiree Health Premium Assistance Plan.
- **Life Insurance** – City-paid life insurance coverage for employees.
- **Vacation** – Two weeks of vacation earned annually, increasing to three weeks starting after year three. (This benefit is subject to negotiation depending on experience.)
- **Administrative Leave** – One week of management administrative leave annually.
- **Holidays** – Thirteen regular paid holidays plus three floating holidays annually.
- **Sick Leave** – Employees earn twelve days of sick leave annually.
- **Y.M.C.A.** – City-paid discount on Y.M.C.A. membership.
- **Transit Subsidy** – Subsidy for public transportation on BART and AC Transit.



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SELECTION PROCESS

Candidates are encouraged to apply immediately by submitting a comprehensive resume, compelling cover letter, current salary, and a minimum of six (6) work related references. The final filing deadline for this position is **Friday, June 5, 2009**. Interested candidates can apply by sending an email to resumes@cps.ca.gov. Electronic submittals are preferred. Or submit via regular mail or fax to:



CPS Executive Search will conduct preliminary interviews following the final filing deadline. Only the most highly qualified candidates will be invited for an on-site interview. The selection process may also involve a professional panel and a supplemental questionnaire. References will not be contacted until mutual interest has been established. Candidates under final consideration for employment with the City should expect to undergo an employment background/reference check that may include, but is not limited to: employment history, confirmation of educational credentials and degrees, licenses including driver's license, registrations, certificates, and other credentials as part of the appointment process. Some positions, depending on the nature of the work, also require a credit check and a review of Summary Criminal History obtained from the State Department of Justice through Live Scan Fingerprinting. It is anticipated that the newly selected City Attorney will join the City in August of 2009 or at a mutually agreeable date. Confidential inquiries are welcomed to Pam Derby.

Berkeley is an Equal Opportunity Employer